

FIFTY-FIFTH DAY.

SENATE CHAMBER,
Austin, March 18, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answered to their names.

PRESENT—26

Atlee,	Garwood,	Pope,
Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Clemens,	Kearby,	Stephens,
Crane,	Kimbrough,	Tyler,
Cranford,	Maetze,	Wisiger,
Finch,	McKinney,	Whatley,
Frank,	Page,	

Prayer by the chaplain of the Senate, Dr. Smoot.

Pending the reading of the journal of yesterday, on motion of Senator Stephens the further reading of the same was dispensed with.

The chair gave notice of signing and signed in presence of the Senate

Senate bill No. 97, entitled "An act to require railroad companies in this State to provide separate coaches for white and colored passengers."

Also Senate bill No. 269, entitled "An act to reorganize the 30th Judicial District, and to fix the times for holding courts therein."

PETITIONS AND MEMORIALS.

By Senator Stephens:

Petitions and resolutions of the Board of Trade of the city of Quanah, favoring an act to validate the sale of school lands by the State Land Board.

Read first time and referred to committee on Public Lands.

By Senator Potter:

Petition of ladies of Denison, Grayson county, asking that the age of consent be made 18 years.

Read first time and referred to Judiciary Committee No. 2.

The following reports were handed in from their respective committees:

COMMITTEE ROOM,
Austin, March 17, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 339, being "An act to amend the charter of the city of Houston."

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM,
Austin, March 17, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Public Lands, to whom was referred

Senate bill No. 355, being "An act to amend sections 5, 8, 11, 13, 14 and 15 of an act approved April 1, 1883, provided for the sale of state school land.

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

SIMS, Chairman.

COMMITTEE ROOM,
Austin, March 17, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Public Lands to whom was referred

House bill No. 236, being a bill to be entitled "An act to make invalid and to confirm contracts of sale made by the land board of the State of Texas, with divers persons for the sale of certain of the free school, university and asylum lands of the State of Texas, sold under the act of the Legislature of the State of Texas, approved April 12, 1883."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SIMS, Chairman.

COMMITTEE ROOM,
Austin, March 17, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Public Lands, to whom was referred

Senate bill No. 328, being "An act to authorize the commissioner of the general land office to issue patents to lands in Terry and Yoakum counties, located by virtue of John H. Gibson land certificates and to protect, set apart and sell the State school lands

located by virtue of said certificate."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SIMS, Chairman.

COMMITTEE ROOM,

Austin, March 17, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred

House bill No. 39, being "An act to amend chapter 1, title 62, of the revised civil statutes of Texas, relating to limitation of actions for land, by adding thereto articles 3195a and 3195b,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

All of which is respectfully submitted.

TYLER, Chairman.

COMMITTEE ROOM,

Austin, March 18, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 351 being "An act to provide for the punishment of persons furnishing, giving or using any false pedigree or false certificate of sale,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TYLER, Chairman.

COMMITTEE ROOM.

Austin, March 17, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Roads, and Bridges, to whom was referred

House bill No. 349 being "An act to carry into effect the constitutional amendment empowering counties to determine by vote whether 15 cents road tax shall be levied by county commissioners' court,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following and attached amendment:

Strike out all after enacting clause of bill and insert amendment hereto attached.

KIMBROUGH, Chairman.

Committee amendment to House bill No. 349.

Section 1. Be it enacted by the Leg-

islature of the State of Texas,

That the commissioners court of any county shall upon presentation to it at any regular session, of a petition signed by 200 qualified voters, they being property tax payers of the county for that purpose, order an election within said county to determine whether there shall be levied upon the property within said county by said commissioners court a road and bridge tax not to exceed fifteen cents on the one hundred dollars worth of property under the provisions of the amendment of 1889 to the constitution of the state of Texas, adopted in 1890. It shall not be necessary to give any notice of such petition before the court can act on the same, but the court may act thereon without notice and may make an order for such election, fixing the amount to be levied not to exceed fifteen cents on the one hundred dollars, the election to take place at any time thereafter, not less than twenty nor more than ninety days from the date of making the order therefor.

Section 2. It shall not be necessary to give any formal notice of such election, except the county judge shall issue his election proclamation, and the fact that such election is to be held shall be published in the newspapers of the county as fully as practicable, and tickets for the election shall be printed by the county and sent to each voting precinct by the county judge before the election opens, and as long before such time as practicable. The expenses of the election shall be paid for by the county. If an election be ordered within ninety days of a general election, it shall be held on the day of the general election, and as elections on other questions are held, but otherwise the commissioner's court shall order a special election to determine whether said tax shall be levied which shall be conducted as other elections, and the officers to conduct the same shall be appointed as in other cases.

Section 3. Only qualified voters who pay a property tax in the county shall be permitted to vote at such election. The tickets printed and to be voted shall have written or printed on them the words, "for the tax" and "against the tax" and those who favor the tax shall vote the ticket "for the tax" and those who oppose the tax shall vote the ticket "against the tax."

Section 4. If at any such election

the majority of the qualified voters voting thereat shall not vote for such tax it shall, not be necessary to make further public proclamation of that fact than to count the votes as in other cases, and officially announce the result, and the said commissioners court shall thereby be authorized and required to levy a road and bridge tax in the same manner that other takes are levied, in the amount specified in said order for such election, never to exceed 15 cents on the \$100 worth of property. Such levy shall be made at the same time other county taxes are levied, if such election is held in time therefor but otherwise it may be made at any time before the rolls are made out and settlement effected. If, at the election, the proposition for said tax shall carry no petition for its repeal shall be granted in less than two years. But if it fail to carry, another petition may be granted in one year, but not sooner, and the order granting the second or any subsequent petition may fix a greater or less rate of levy not to exceed fifteen cents on the one hundred dollars worth of property, and if no greater rate is levied for any one year the commissioners court may lower the rate for the next year without a petition therefor. An election to repeal the levy may be ordered and held as in other cases, but there must be satisfactory proof presented to said commissioners court that there is great dissatisfaction with such tax and that it is probable that a majority of the citizens of the county who are authorized to vote for said tax would vote for a repeal of the law, and unless such proof be made the petition to repeal shall not be granted.

Section 5. Provided that no bonds shall ever be issued under the provisions of the act.

Section 6. Whereas, there is no law in force in this State putting in operation the amendment to the Constitution and to provide for elections to determine whether such tax shall be levied, and whereas many counties in this state desire to hold such elections and levy said tax at the time of making the general tax levy for the county, therefore, an emergency and public necessity exists that this act take effect and be in force from and after its passage.

On motion of Senator Garwood Senator Mott was excused for to-day on account of important business.

BILLS AND RESOLUTIONS.

By Senator Carter (by request):

A bill to be entitled an act to amend an act entitled "An act to amend article 4684 of title 95, chapter 2, of the Revised Civil Statutes, providing for the manner of assessing bankers, brokers, dealers in exchange, etc., approved April 14th, 1883.

Read first time and referred to Judiciary committee No. 1.

Senator Frank moved to postpone pending business and take up out of its regular order Senate joint resolution No. 12, confirming the location of the boundary line established by the United States Commissioner between No Mans' Land and Texas, and Texas and New Mexico, under an act of Congress approved June 5, 1858.

Adopted and resolution read second time.

Senator Tyler offered the following amendment:

Add to section 1.

Amend by adding thereto the following:

Provided that the State of Texas does not hereby relinquish her claim to any lands heretofore claimed or upon which patents have been issued or upon which any obligation has been incurred by the State of Texas.

Adopted.

The resolution was ordered engrossed.

The following message was received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS, }
March 18, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am instructed to inform your honorable body of the passage by the House of the following bills:

House bill, No. 569, "An act to restore to and confer upon the county court of Travis and Bandera counties the civil and criminal jurisdiction heretofore belonging to said courts under the constitution and general laws of the State, and to conform the jurisdiction of the district court of said counties to such change and to repeal all laws in conflict with the act."—Ayes 81, noes none.

House bill No. 590, "An act to amend an act entitled an act to grant a new charter to the city of El Paso, approved March 2, A. D. 1889."—Ayes 78, noes none.

House bill No. 591, "An act to amend section 23 of an act entitled an act to redistrict the state into judicial districts and fix the time for holding

courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883."

House bill No. 594, "An act to validate an act to grant a new charter to the city of El Paso." Yeas 74, nays none.

SAM H. DIXON, Chief Clerk,
House of Representatives.

Senator Frank moved to suspend the constitutional rule requiring bills be read on three several days in each house, and that the bill be put on its third reading and final passage.

Adopted by the following vote:

YEAS—26.

Atlee,	Garwood,	Pope,
Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Clemens,	Kearby,	Stephens,
Crane,	Kimbrough,	Tyler,
Cranford,	Maetze,	Weisiger,
Finch,	McKinney,	Whatley,
Frank,	Page,	

NAYS—None.

(Senator Potter in the chair.)

Senator Carter moved to reconsider the vote by which the resolution was ordered engrossed.

Adopted.

Senator Carter moved to reconsider the vote adopting the amendment of Senator Tyler.

Senator Tyler moved to lay the motion to reconsider on the table.

Lost.

The motion to reconsider prevailed.

Senator Carter moved to lay the amendment of Senator Tyler on the table.

Lost by the following vote:

YEAS—13.

Atlee,	Cranford,	Page,
Burney,	Finch,	Pope,
Carter,	Kearby,	Simkins,
Clark,	McKinney,	Stephens,
Crane,		

NAYS—13.

Clemens,	Johnson,	Sims,
Frank,	Kimbrough,	Tyler,
Garwood,	Maetze,	Weisiger,
Glasscock,	Potter,	Whatley,
Harrison,		

The amendment was lost by the following vote:

YEAS—10.

Frank,	Johnson,	Tyler,
Garwood,	Kimbrough,	Weisiger,
Glasscock,	Potter,	Whatley,
Harrison,		

NAYS—14.

Carter,	Finch,	Pope,
Clark,	Kearby,	Simkins,
Clemens,	Maetze,	Sims,
Crane,	McKinney,	Stephens,
Cranford,	Page,	

The resolution was ordered en-

grossed.

Senator Frank moved to suspend the constitutional rule requiring a bill to be read on three several days and that the resolution pass to a third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee,	Frank,	Pope,
Burney,	Garwood,	Potter,
Carter,	Glasscock,	Simkins,
Clark,	Harrison,	Sims,
Clemens,	Johnson,	Stephens,
Crane,	Kimbrough,	Tyler,
Cranford,	Maetze,	Whatley,
Finch,	Page,	Weisiger,

NAYS—1.

McKinney,

The resolution was read a third time and adopted by the following vote:

YEAS—18.

Burney,	Finch,	Page,
Carter,	Frank,	Pope,
Clark,	Garwood,	Potter,
Clemens,	Johnson,	Simkins,
Crane,	Maetze,	Sims,
Cranford,	McKinney,	Stephens,

NAYS—7.

Glasscock,	Kimbrough,	Weisiger,
Harrison,	Tyler,	Whatley,
Kearby,		

Senator Kearby moved to postpone pending business and take up out of its regular order Senate bill No. 103, entitled "An act to prohibit a recovery upon any note, mortgage, deed of trust or other lien upon real estate within this state or the sale of real estate by virtue of deeds of trust or other like implements, unless the same has been rendered for taxes or the taxes thereon are paid."

Adopted and question recurred to the following amendment offered by Senator Kearby:

Section 5. There being no law whereby the holders and owners of the liens herein enumerated are prohibited from enforcing said liens upon land without paying the taxes due thereon; therefore an emergency and public necessity exists to suspend the constitutional rule requiring that bills be read on three several days, and the same are hereby suspended, and that this act take effect from and after its passage.

Adopted.

Senator Carter offered the following amendment:

Amend line 7, section 1, by adding after the word "taxes" "by the payee."

Amend line 8, same section, by adding after the word "paid" the following: "by the payee in the note or obligation."

Senator Kearby offered the following amendment, which was accepted.

by Senator Carter:

Amend by adding after the word "payee," "or owner."

The amendment as amended was adopted.

Senator Stephens offered the following amendment:

Amend line 4 by inserting after the word "shall," in section 1, the following:

"If he is a resident of this state."

Lost.

Senator Sims offered the following amendment:

Amend by striking out all of section 3 of the bill.

Lost.

Senator Atlee offered the following amendment:

Amend section 1 by adding.

Provided, the amount of the principal of the note on which a tax is assessed shall be deducted from the assessed value of the land on which the note is a lien, and taxes on said land shall be collected only to the extent of the balance of such value so long as said note is unpaid.

Senator Kimbrough moved the previous question on the amendment and the bill and the main question was ordered.

The amendment of Senator Atlee was lost.

The bill was refused engrossment by the following vote:

YEAS—13.

Clark,	Kearby,	Potter,
Cranford,	Kimbrough,	Tyler,
Finch,	Page,	Weisiger,
Glasscock,	Pope,	Whatley.
Johnson,		

NAYS—13.

Atlee,	Frank,	McKinney,
Burney,	Garwood,	Simkins,
Carter,	Harrison,	Sims,
Clemens,	Maetze,	Stephens,
Crane,		

Senator Carter moved to reconsider the vote refusing the engrossment of the bill:

Adopted by the following vote:

YEAS—20.

Atlee,	Glasscock,	Page,
Burney,	Harrison,	Potter,
Carter,	Johnson,	Simkins,
Clark,	Kearby,	Tyler,
Cranford,	Kimbrough,	Weisiger,
Finch,	Maetze,	Whatley,
Frank,	McKinney,	

NAYS—5.

Clemens,	Garwood,	Stephens.
Crane,	Sims,	

Senator Carter offered the following amendment:

Add to section 1 the following:

Provided, That whenever any note is found in Texas it shall be conclu-

sively presumed that it has been in this State from its date and the burden of proof shall be on the owner to show payment of the taxes.

(The President in the chair.)

Senator Burney moved the previous question, and the main question was ordered.

The amendment of Senator Carter was adopted.

The bill was refused engrossment by the following vote:

YEAS—12.

Clark,	Kearby,	Potter,
Cranford,	Kimbrough,	Tyler,
Finch,	McKinney,	Weisiger,
Glasscock,	Page,	Whatley.

NAYS—13.

Atlee,	Frank,	Maetze,
Burney,	Garwood,	Simkins,
Carter,	Harrison,	Sims,
Clemens,	Johnson,	Stephens,
Crane,		

Senator Simkins moved to postpone pending business and take up out of its regular order Substitute House bill No. 331, entitled "An act to amend article 2838 of the revised civil statutes of Texas.

Adopted and bill read second time with a favorable committee report.

Senator Simkins offered the following amendment:

Section 2. The near approach of the close of the session of the Legislature creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage and it is so enacted.

Adopted.

The bill was ordered engrossed.

Senator Simkins moved that the constitutional rule requiring bills to be read for three several days in each house be suspended, and that the same be put on its third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee,	Frank,	McKinney,
Burney,	Garwood,	Page,
Carter,	Glasscock,	Potter,
Clark,	Harrison,	Simkins,
Clemens,	Johnson,	Sims,
Crane,	Kearby,	Stephens,
Cranford,	Kimbrough,	Tyler,
Finch,	Maetze,	Whatley.

NAYS—None.

Bill read third time, and passed by the following vote:

YEAS—25.

Atlee,	Frank,	McKinney,
Burney,	Garwood,	Potter,

Carter,	Glasscock,	Page,
Clark,	Harrison,	Simkins,
Clemens,	Johnson,	Sims,
Crane,	Kearby,	Stephens,
Cranford,	Kimbrough,	Tyler,
Finch,	Maetze,	Weisiger.
		Whatley.

NAYS—None.

Senator Page moved to postpone pending business and take up the motion of Senator Carter, to reconsider the vote by which the Senate refused to engross

Senate bill No. 92, entitled an act to authorize towns and villages incorporated for free school purposes only to levy taxes and issue bonds for free school purposes.

Adopted and the vote was reconsidered.

Senator Garwood offered the following amendment:

Amend by striking out section 5 and inserting in lieu thereof the emergency clause, as follows:

Section 5. The fact that towns and villages incorporated for school purposes only have no power under the law to issue bonds for the building of school houses, and the fact that there are many towns and villages in the state that wish to issue bonds for the purpose of erecting school houses, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Adopted.

The bill was ordered engrossed.

Senator Page moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—25.

Atlee,	Garwood,	Page,
Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Clemens,	Kearby,	Stephens,
Crane,	Kimbrough,	Tyler,
Cranford,	Maetze,	Weisiger,
Finch,	McKinney,	Whatley.
Frank,		

NAYS—None.

Bill read third time.

Senator Page offered the following amendment:

Amend caption by striking out all after the word "purposes" in line 3.

Adopted.

The bill passed by the following vote:

YEAS—20.

Atlee,	Garwood,	Page,
Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Clemens,	Johnson,	Stephens,
Crane,	Kimbrough,	Tyler,
Cranford,	Maetze,	Weisiger.
Frank,	McKinney,	

NAYS—5.

Clark,	Kearby,	Whatley.
Finch,	Sims,	

The following privileged report was sent up:

COMMITTEE ROOM,
Austin, March 14, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate Bill No. 268, being "An act to amend section 37 of an act entitled an act to redistrict the State into judicial districts, and fix the term for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," also to create the 51st judicial district of the State of Texas, fix the terms of holding court therein, and to provide for the appointment of a judge thereof; and fixing the time of the holding of the court in the 13th, 18th and 19th judicial districts, and to repeal all laws in conflict therewith,

And find the same correctly engrossed.

SIMKINS, Chairman.

Senator Glasscock moved to postpone pending business and take up out of its regular order Senate substitute bills Nos. 19 and 132, entitled "An act to amend 4256 of the revised statutes of the State of Texas, approved April 14, 1882.

Adopted.

On motion of Senator Johnson the Senate adjourned to 3 p. m. this day.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—22.

Atlee,	Glasscock,	Potter,
Burney,	Johnson,	Simkins.

Clemens, Kearby, Sims,
Crane, Kimbrough, Stephens.
Cranford, Maetze, Tyler,
Finch, McKinney, Weisiger,
Frank, Page, Whatley.
Garwood,

Senate Substitute bills Nos. 19 and 132, entitled "An act to amend an act entitled an act to amend article 4256 of the revised statutes of the state of Texas, approved April 14, 1882."

On second reading.

The following privileged reports were handed in.

COMMITTEE ROOM,

Austin, March 18, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and compared

Senate joint resolution No. 12, being a joint resolution confirming the location of the boundary line established by the United States commissioner between No Man's Land and Texas and Texas and New Mexico, under an act of Congress June 5, 1858,

And find the same correctly engrossed.

SIMKINS, Acting Chairman.

COMMITTEE ROOM,

Austin, March 18, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 331, being "An act to amend title 50, article 2838, of the Revised Statutes."

And find the same correctly engrossed.

SIMKINS, Acting Chairman.

COMMITTEE ROOM,

Austin, March 16, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 2, being "Senate Joint Resolution No. 2, requiring the superintendent of public buildings and grounds to dispossess trespassers on land or lots in the city of Austin belonging to the State of Texas and rent or lease the same for the benefit of the Confederate Home of the State."

And find the same correctly engrossed.

SIMKINS, Acting Chairman.

Senator Stephens offered the following amendment:

Section 2. Whereas there is an imperative public necessity existing for a change in the law regulating passenger fare upon railroads, and the near approach of the end of this session creates an emergency that demands that the constitutional rule which requires that a bill be read on three several days be suspended and it is accordingly suspended, and this act take effect and be in force from and after its passage.

Adopted.

Senator Glasscock offered the following amendment:

Amend the caption by adding thereto the following: "and to amend section 9, chapter 70 of the Eighteenth Legislature;" approved April 10, 1883.

Adopted.

Senator Glasscock offered the following amendment:

Amend section 1 by inserting after the figures "1882" in line 4, the following: "and section 9 of chapter 70 of the Eighteenth Legislature;" approved April 10, 1882.

Adopted.

Senator Stephens offered the following amendment:

Amend by adding to end of bill, "and it is so enacted."

Adopted.

The bill was ordered engrossed.

Senator Glasscock moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—21.

Atlee,	Glasscock,	Potter,
Burney,	Johnson,	Simkins,
Crane,	Kearby,	Sims,
Cranford,	Kimbrough,	Stephens,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Weisiger,
Garwood,	Page,	Whatley.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—21.

Atlee,	Glasscock,	Page,
Burney,	Harrison,	Simkins,
Clemens,	Johnson,	Sims,
Cranford,	Kearby,	Stephens,
Finch,	Kimbrough,	Tyler,
Frank,	Maetze,	Weisiger,
Garwood,	Potter,	Whatley.

NAYS—None.

Senator Atlee moved to postpone pending business and take up out of its regular order

Senate bill No. 311, entitled "An act to amend section 1 of an act approved

April 8, 1889, to amend an act to regulate the condemnation of property in cities and towns for the purpose of opening, widening or changing public streets, avenues or alleys, or for water mains or sewers, approved March 28, 1883, so as to regulate condemnation of property for erection thereon of hospitals and pest houses.

Adopted, and bill read second time with a favorable committee report.

Senator Atlee offered the following amendment:

Amend by adding the following: Section 2. The fact that there is no law regulating the condemnation of property for the purpose of erecting thereon hospitals or pest houses and the near approach of the close of the session creates an emergency, and an imperative public necessity exists for the suspension of the constitutional rule requiring all bills to be read on three several days and that this act take effect and be in force, and take effect from and after its passage, and it is so enacted.

Adopted.

The bill was ordered engrossed.

Senator Atlee moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill be put upon its third reading and final passage.

Adopted by the following vote:

YEAS—24

Atlee,	Glasscock,	Potter,
Burney,	Harrison,	Page,
Clemens,	Johnson,	Simkins,
Crane,	Kearby,	Sims,
Cranford,	Kimbrough,	Stephens,
Finch,	Lubbock,	Tyler,
Frank,	McKinney,	Whatley,
Garwood,	Maetze,	Weisiger.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—24.

Atlee,	Glasscock,	Pope,
Burney,	Harrison,	Potter,
Clemens,	Johnson,	Simkins,
Crane,	Kearby,	Sims,
Cranford,	Kimbrough,	Stephens,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Weisiger,
Garwood,	Page,	Whatley.

NAYS—None.

Senator Kimbrough moved to postpone pending business and take up out of its regular order

Senate bill No. 335, entitled "An act to regulate voting in cities and towns of five thousand inhabitants or more."

Adopted and bill read second time with a favorable committee report.

Senator Potter offered the following amendment:

Amend by adding section 2, as follows:

Section 2. It shall hereafter be unlawful for any person to furnish or drive, or cause to be furnished or driven, or to be in any way connected in furnishing or driving any carriage, hack, wagon or other character of conveyance whatever, for the purpose of conveying voters to or from the polls at any election, state, county or municipal, held in this state, and any person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty five dollars, nor more than one hundred dollars. Provided, that nothing herein shall be construed to prohibit any voter from going to the polls in his own conveyance, nor shall it apply to persons living in the country who may go to the place of election in any such conveyance as matter of convenience.

Senator Simkins offered the following amendment to the amendment, which was accepted by Senator Potter:

Provided that this section shall not apply to carrying aged and infirm persons to the polls.

Senator Pope offered the following amendment to the amendment:

Amend amendment by adding: "nor to laboring people who may be too fatigued by reason of working at their trade when they cannot spare the time from their labor to vote without pecuniary loss,"

Which was lost.

Senator Burney offered the following amendment to the amendment, which was accepted by Senator Potter:

Amend the amendment by adding after the word "State" in the third line from bottom, first page, the words "under the provisions of this act."

Senator Sims offered the following amendment to the amendment:

Amend by adding as follows: "provided that the provisions of this act shall not prohibit one from carrying a friend or relative of not more than six at a time."

Which was lost.

Senator Clemens moved to postpone the pending bill and take up Senate bill No. 32.

Lost.

The amendment of Senator Sims was lost.

Senator Johnson offered the following substitute for the pending amendment:

And no candidate at any such election directly or indirectly, nor shall any person for such candidate engage, hire, employ or reward or offer to reward any person for any service, whatsoever, renders or to be rendered for such candidate or other person in the matter of any such election. And any person so offering shall be deemed guilty of a felony, and upon conviction thereof shall be punished by confinement in the penitentiary for a period not exceeding three years, provided, that nothing herein shall be held to prohibit the printing of tickets, announcements or advertisements.

Senator Pope in the chair.

Senator Johnson's substitute was lost by the following vote:

YEAS—9.

Clark,	Harrison,	McKinney,
Crane,	Johnson,	Pope,
Garwood,	Kearby,	Whatley.

NAYS—16.

Atlee,	Glasscock,	Simkins,
Burney,	Kimbrough,	Sims,
Clemens,	Maetze,	Stephens,
Cranford,	Page,	Tyler,
Finch,	Potter,	Weisiger,
Frank,		

(Senator Page in the chair.)

Senator Frank offered the following amendment to the amendment:

Amend by adding after the word "conveying" the words "and influencing."

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES, }
 TWENTY SECOND LEGISLATURE. }
 Austin, Tex., March 18, 1891. }

Hon. Geo. C. Pendleton, President of the Senate.

Sir—I am instructed to inform the Senate that the House has passed, by vote of 81 ayes, and 2 noes,

House bill No. 563, being "An act authorizing principals and sureties on different official bonds to be joined as defendants in one and the same suit, and suits on official bonds to be instituted in the name of the State alone."

SAM H. DIXON,

Chief Clerk House Representatives.

Senator Glasscock moved the previous question on the amendment and the bill.

Senator Frank's amendment to the amendment was adopted.

The amendment of Senator Potter as amended was lost by the following vote:

YEAS—8.

Burney,	Finch,	Simkins,
Clemens,	Frank,	Stephens.

Cranford, Potter,
 NAYS—18.

Atlee,	Johnson,	Page,
Clark,	Kearby,	Pope,
Crane,	Kimbrough,	Sims,
Garwood,	Maetze,	Tyler,
Glasscock,	McKinney,	Weisiger,
Harrison,	Mott,	Whatley.

The bill was ordered engrossed by the following vote:

YEAS—13.

Burney,	Kimbrough,	Sims,
Crane,	Maetze,	Stephens,
Finch,	Page,	Tyler,
Frank,	Simkins,	Weisiger.
Glasscock,		

NAYS—12.

Atlee,	Garwood,	McKinney,
Clark,	Harrison,	Pope,
Clemens,	Johnson,	Potter,
Cranford,	Kearby,	Whatley.

Senator Kimbrough moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Lost by the following vote, not receiving a four-fifths vote in its favor:

YEAS—18.

Atlee,	Garwood,	Simkins.
Burney,	Glasscock,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler.
Finch,	Page,	Weisiger,
Frank,	Potter.	Whatley.

NAYS—7.

Clark,	Johnson,	McKinney,
Clemens,	Kearby,	Pope,
Harrison,		

Senator Crane moved to postpone pending business, suspend the rules and take up

Senate bill No. 312, entitled "An act to authorize railway companies to construct and operate extensions or branch lines to points within fifteen miles of their roads without charter amendments."

Adopted and

Bill read second time with favorable committee report.

Senator Crane offered the following amendment:

The fact that there is no law now in existence authorizing branch lines of railroads to be built without amending the charters, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be enforced from and after its passage, and it is so enacted.

Adopted.

The bill was ordered engrossed.

Senator Crane moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee,	Garwood,	Page,
Burney,	Glasscock,	Pope,
Clark,	Harrison,	Potter,
Clemens,	Johnson,	Sims,
Crane,	Kearby,	Stephens,
Cranford,	Kimbrough,	Tyler,
Finch,	Maetze,	Weisiger,
Frank,	McKinney,	Whatley.

NAYS—1.

Simkins.

Bill read third time and passed by the following vote:

YEAS—23.

Atlee,	Garwood,	Pope,
Burney,	Glasscock,	Potter,
Clark,	Harrison,	Sims,
Clemens,	Johnson,	Stephens,
Crane,	Kimbrough,	Tyler,
Cranford,	Maetze,	Weisiger,
Finch,	McKinney,	Whatley.
Frank,	Page,	

Senator Weisiger moved to postpone pending business and take up out of its regular order Senate Joint Resolution No. 9, setting apart a portion of the State cemetery for the interment of Confederate dead.

Adopted and resolution read second time with favorable committee report and ordered engrossed.

Senator Stephens moved to suspend pending business and take up out of its regular order

Senate bill No. 236, entitled "An act to extend the time within which lands that have been sold for taxes, and bought in by the State, may be redeemed by the owners thereof."

Adopted.

And bill read second time with a favorable committee report.

Senator Johnson moved to reconsider the vote by which the Senate refused this morning to engross Senate bill No. 103, and asked to have that motion spread upon the Journal.

Senator Clemens handed in the following privileged report, which was read:

COMMITTEE ROOM,
Austin, March 18, 1891.

Hon. Geo. C. Pendleton, President of the Senate and

Hon. R. T. Milner, Speaker of the House of Representatives:

Sirs—Your free conference committee, appointed on the part of the Senate and House to adjust the difference

between the two houses on

House bill No. 211, being a bill to be entitled "An act to amend section one (1) of an act entitled an act to amend section 46, chapter 25, of the acts of 1875, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter 48 of the acts of 1887, an act to amend section 46 of an act to encourage stock raising and to protect stock raisers. Approved April 22, 1879, and amended April 4, 1881, and April 12, 1880, and March 27, 1887, and March 27, 1889.

Have had the same under consideration, and beg leave to recommend that the House concur in Senate amendments Nos. 2, 3, 4, 5, 7, 8, 9, 10 and 11, and that Senate amendment No. 1 be so amended as to read as follows:

"In the first list of counties after the word 'liberty' insert 'Wichita, Wilbarger, Archer, Hardeman, Childress, Hall, Collingsworth, Donley, Gray, Armstrong, Briscoe, Floyd, Randall, Kendall and Comal.'"

And that said amendment as herein amended be concurred in by both houses, and that the sixth Senate amendment be so amended as to read as follows:

"Amend by adding the following counties to all the exception clauses, where the said counties are not included in said exception clauses in the bill, to wit: Bell, Coryell, Hamilton, Lampasas, Mills, Wichita, Wilbarger, Archer, Hardeman, Childress, Hall, Collingsworth, Donley, Gray, Armstrong, Briscoe, Floyd, Randall, Kendall and Comal."

And that said amendment as here amended be concurred in by both houses.

All of which is respectfully submitted.

CLEMENS,
SIMKINS,
MCKINNEY,
LUBBOCK,
WEISEGER,

Senate Committee.

KLIEBER,
BROWNING of Donley,
WILLIAMSON,
URBAHN,
BAKER of Tom Green,
House Committee.

On motion of Senator Clemens the report was adopted and the amendments concurred in by the Senate.

Question recurred to the engrossment of Senate bill No. 236, and it was ordered engrossed.

Senator Stephens moved to suspend

the constitutional rule requiring a bill to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee,	Garwood,	Pope,
Burney,	Glasscock,	Potter,
Clark,	Johnson,	Simkins,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Page,	Whatley,

NAYS—None.

The bill was read a third time and passed by the following vote:

YEAS—22.

Atlee,	Johnson,	Potter,
Burney,	Kearby,	Simkins,
Clark,	Kimbrough,	Sims,
Cranford,	Maetze,	Stephens,
Finch,	McKinney,	Tyler,
Frank,	Page,	Weisiger,
Glasscock,	Pope,	Whatley,
Harrison,		

NAYS—1.

Clemens,
Senator Weisiger moved to postpone pending business and take up out of its regular order Senate Joint Resolution No. 9.

Adopted.

Senator Weisiger moved to reconsider the vote engrossing the resolution.

Adopted.

Senator Weisiger offered the following amendment:

The fact that there is no ground set apart for the interment of the ex-Confederate dead creates an imperative public necessity that the rule be suspended requiring bills to be read on three several days and the same is so suspended and this act go into effect from and after its passage and it is so enacted.

Adopted.

The resolution was ordered engrossed.

Senator Weisiger moved to suspend the constitutional rule requiring bills to be read on three several days and that the Joint resolution be put on its third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee,	Glasscock,	Pope,
Burney,	Harrison,	Potter,
Clark,	Johnson,	Simkins,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Page,	Whatley,

NAYS—None.

Resolution read third time and passed by the following vote:

YEAS—24.

Atlee,	Garwood,	Page,
Burney,	Glasscock,	Potter,
Clark,	Harrison,	Simkins,
Clemens,	Johnson,	Sims,
Crane,	Kearby,	Stephens,
Cranford,	Kimbrough,	Tyler,
Finch,	Maetze,	Weisiger,
Frank,	McKinney,	Whatley,

NAYS—None.

Senator Simkins moved to suspend pending business and take up out of its regular order

Substitute Senate bills Nos. 8 and 13, entitled "An act to fix the time within which lands sold by trustees and under order of court may be redeemed, regulating the manner thereof, and providing that subsequent lien holders may subject the same to their liens upon discharge of prior incumbrance."

Adopted and

Bill read second time, with favorable committee report.

Senator Frank offered the following amendment:

Amend by striking out all after the word "within," in line 18, section 2, down to and including the word "by," and insert the following:

"Ninety days after the redemption of any such land, as provided in section 1 of this act."

Adopted.

Senator Stephens offered the following amendment:

Amend by adding to section 4 "Whereas this session of the Legislature is near its close and there is an emergency for the immediate passage of this act and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, which rule is suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Adopted.

The bill was ordered engrossed.

Senator Stephens moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee,	Garwood,	Page,
Burney,	Glasscock,	Potter,
Clark,	Harrison,	Simkins,
Clemens,	Johnson,	Sims,
Crane,	Kearby,	Stephens,
Cranford,	Kimbrough,	Tyler,
Finch,	Maetze,	Weisiger,
Frank,	McKinney,	Whatley,

NAYS—None.

By consent Senator Simkins made the following report:

COMMITTEE ROOM,

Austin, March 18, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Constitutional Amendments, to whom was referred

House joint resolution No. 1, being a joint resolution to amend section 11 of article 16 of the Constitution so as to fix legal rates of interest at six per cent. and conventurate rate at not exceeding ten per cent.

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass,

SIMKINS, Chairman.

Senate Substitute bills Nos. 8 and 13 read a third time and passed by the following vote:

YEAS—23.

Atlee,	Classcock,	Potter,
Burney,	Harrison,	Simkins,
Clemens,	Johnson,	Sims,
Crane,	Kearby,	Stephens,
Cranford,	Kimbrough,	Tyler,
Finch,	Maetze,	Weisiger,
Frank,	McKinney,	Whatley.
Garwood,	Page,	

NAYS—None.

Senator Johnson moved to adjourn to 10 a. m. tomorrow.

Adopted.

FIFTY-SIXTH DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Texas, March 19, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—28.

Atlee,	Glasscock,	Page,
Burney,	Harrison,	Pope,
Carter,	Johnson,	Potter,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Cranford,	McKinney,	Tyler,
Finch,	Maetze,	Weisiger,
Frank,	Mott,	Whatley.
Garwood,		

ABSENT—None.

Prayer by the Rev. Dr. Morrison of Atlanta, Ga.

Pending the reading of the journal on motion of Senator Tyler, the further reading of the same was dispensed with.

The following reports were handed in from committee on Engrossed Bills:

COMMITTEE ROOM,

Austin, March 18, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 92, being "An act to authorize towns and villages incorporated for free school purposes only to levy taxes and issue bonds for free school purposes,"

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM,

Austin, March 19, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed bills have carefully examined and compared

Senate bill No. 335, being "An act to regulate voting in cities and towns of five thousand inhabitants or more,"

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM,

Austin, March 19, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 9, being a joint resolution setting apart a portion of the State cemetery for the interment of the Confederate dead

And find the same correctly engrossed.

CARTER, Chairman.

A message was received from His Excellency the Governor, containing appointments of notaries public in sundry counties.

The chair gave notice of signing and signed in presence of the Senate,

House bill No. 15, entitled "An act to incorporate the city of Austin and give it a new charter."

Senator Kimbrough asked unanimous consent to postpone pending business and take up,

Senate bill No. 335, entitled "An act